



AGENDA ITEM NUMBER _____

Bernalillo County Board of County Commissioners

Meeting Date: November 16, 2010

Department: Zoning, Building, Planning & Env. Health

Staff Contact: Brennon Williams, Zoning Administrator

TITLE: PUBLIC HEARING: Appeal of the Board of Adjustment's denial of a variance of 6 feet to the required side yard setback distance (CO-20110001/BA-20100019/ZA-20100065) and a variance of 13 feet 8 inches to the required front yard setback distance (CP-20110002/BA-20100018/ZA-20100064)

BOARD OF ADJUSTMENT RECOMMENDATION:

Denial of the appeals.

SUMMARY:

At their October 6, 2010, public hearing, the Board of Adjustment (BA) voted 4 – 1 (Commissioner Castillo opposed; Commissioner Sanchez excused, Commissioner Melendrez absent) to deny a variance of 13 feet 8 inches to the required front yard setback distance and a variance of 6 feet to the required side yard setback distance to allow the continued placement of an upermitted covered parking addition to be located just 6 feet 4 inches from the front property line and on the west side property line. The subject property is located at 1542 Sunset Gardens Rd. SW, zoned R-1, and contains approximately .199 acres in area. The BA decisions were based on two (2) Findings (Attachment 2).

The BA determined that the subject site provided sufficient area for the addition to be placed without the need for setback variances and that the appellant did not meet the criteria for approval as outlined in the ordinance.

Section 24.A.2.h.(1) of the Comprehensive Zoning Ordinance of Bernalillo County permits the granting of a variance from the height, area, parking or density regulations of the ordinance in the event that the request is limited to the extent necessary to allow the owner reasonable use of the land in those specified instances where there are "peculiar, exceptional, and unusual circumstances" in connection with the land which are not generally found within the area or neighborhood concerned.

ATTACHMENTS:

1. Appeal applications & related materials
2. Board of Adjustment Notices of Decision (October 11, 2010)
3. Material provided in opposition of the BA appeals
4. Material provided in support of the BA appeals
5. Board of Adjustment packet (October 6, 2010, hearing)

STAFF ANALYSIS SUMMARY:

Zoning/Building/Planning/Environmental Health:
Staff recommends denial of the appeals